

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN and BTA
BANK JSC,

Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR
KHRAPUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV S.A.,

Defendants.

15 Civ. 5345 (JGK) (KHP)

**DECLARATION OF MATTHEW L. SCHWARTZ IN SUPPORT OF
PLAINTIFF'S MOTIONS IN LIMINE**

1. I am a partner in the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in the above-captioned case. I make this declaration in support of Plaintiff BTA Bank JSC's various motions *in limine*. For the Court's convenience, this one declaration provides the supporting exhibits for each of BTA's motions *in limine*, as follows.

2. **Motion In Limine #2.** I attach to this declaration the following documents referenced in BTA Bank's second motion *in limine* to exclude evidence and testimony of alleged political persecution by non-parties of non-parties.

a. **Exhibit 2.1** is true and correct excerpts of the February 2, 2018, deposition of Ilyas Khrapunov.

b. **Exhibit 2.2** is true and correct excerpts of the October 31, 2018, deposition of Mukhtar Ablyazov.

c. **Exhibit 2.3** is a true and correct copy of Mukhtar Ablyazov's Opposition to BTA Bank's Motion for Partial Summary Judgment, previously filed on the docket in this matter at ECF No. 1365.

3. **Motion In Limine #3.** I attach to this declaration the following documents referenced in BTA Bank's third motion *in limine* to admit portions of a witness's testimony, draw an adverse inference against Triadou, and exclude other portions of that witness's testimony.

a. **Exhibit 3.1** is true and correct excerpts of the April 24, 2018, deposition of the witness.

b. **Exhibit 3.2** is a true and correct copy of an email from Cesar Cerrito to Kevin Meyer, produced by Triadou in this matter and bearing bates number TRIA0007706.

c. **Exhibit 3.3** is a true and correct copy of an email from Kevin Meyer to Luigi Rosabianca, produced by Triadou in this matter and bearing bates number TRIA0006346, and previously filed on the docket in this matter at ECF No. 449-9.

d. **Exhibit 3.4** is a true and correct copy of an email from Ilyas Khrapunov to Kevin Meyer, produced by Plaintiffs in this matter and bearing bates number Almaty-BTA0243661, and previously filed on the docket in this matter at ECF No. 1284-45.

e. **Exhibit 3.5** is a true and correct copy of an email from Kevin Meyer to Cesar Cerrito, produced by Triadou in this matter and bearing bates number TRIA00006145, and previously filed on the docket in this matter at ECF No. 1283-54.

f. **Exhibit 3.6** is a true and correct copy of an email from Kevin Meyer to Cesar Cerrito, produced by Triadou in this matter and bearing bates number TRIA00000959.

g. **Exhibit 3.7** is a true and correct copy of an email from Adam Ibrahim to Petr Krasnov copying Cesar Cerrito, produced by Triadou in this matter and bearing bates number TRIA00000318.

h. **Exhibit 3.8** is a true and correct copy of a Release and Confidentiality Agreement, produced by Plaintiffs in this matter and bearing bates number Almaty-BTA0201934, and previously filed on the docket in this matter at ECF No. 1285-40.

i. **Exhibit 3.9** is a true and correct copy of excerpts of the September 12, 2017, deposition of Nicolas Bourg, previously filed on the docket in this matter at ECF No. 1356-42.

j. **Exhibit 3.10** is a true and correct copy of excerpts of a Deed of Settlement, previously filed on the docket in this matter at ECF No. 1285-41.

4. **Motion In Limine #4.** I attach to this declaration the following documents referenced in BTA Bank's fourth motion *in limine* to admit certain portions of UKB6 tracking spreadsheets for their truth, and to preclude the use of certain portions of UKB6 tracking spreadsheets for their truth.

a. **Exhibit 4.1** is true and correct excerpts of the September 18, 2019, deposition of Zaure Junussova.

b. **Exhibit 4.2** is true and correct excerpts of the September 19, 2019 deposition of Akhzhhan Moldakhmet.

c. **Exhibit 4.3** is true and correct excerpts of the September 19, 2019 deposition of Kairat Sadykov.

d. **Exhibit 4.4** is a true and correct copy of an email from Zaure Junussova, attaching copies of Trasta Komerc Bank statements translated into English, produced by Plaintiffs in this matter and bearing bates number Almaty-BTA0077421.

e. **Exhibit 4.5** is a true and correct copy of an email from Zaure Junussova, attaching copies of UKB6 tracking spreadsheets translated into English, produced by Plaintiffs in this matter and bearing bates number Almaty-BTA0078933.

5. **Motion In Limine #5.** I attach to this declaration the following documents referenced in BTA Bank's fifth motion *in limine* to admit hearsay contained within the minutes of meetings of Triadou and its parent company, SDG Capital, but only if offered by BTA.

a. **Exhibit 5.1** is a true and correct copy of minutes of a December 10, 2012 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0010584.

b. **Exhibit 5.2** is a true and correct copy of minutes of a December 20, 2012 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0010617.

c. **Exhibit 5.3** is a true and correct copy of minutes of an August 20, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0005840.

d. **Exhibit 5.4** is a true and correct copy of minutes of a June 4, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011392.

e. **Exhibit 5.5** is a true and correct copy of minutes of a May 8, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011438.

f. **Exhibit 5.6** is a true and correct copy of minutes of a March 4, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0010064.

g. **Exhibit 5.7** is a true and correct copy of minutes of an April 28, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011399.

h. **Exhibit 5.8** is a true and correct copy of minutes of a May 1, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011340.

i. **Exhibit 5.9** is a true and correct copy of minutes of a November 1, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0009575.

j. **Exhibit 5.10** is a true and correct copy of minutes of an October 2, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011286.

k. **Exhibit 5.11** is a true and correct copy of minutes of a June 26, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011238.

l. **Exhibit 5.12** is a true and correct copy of minutes of an October 7, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011420.

m. **Exhibit 5.13** is a true and correct copy of minutes of a November 27, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011303.

n. **Exhibit 5.14** is a true and correct copy of minutes of a February 6, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0010069.

o. **Exhibit 5.15** is a true and correct copy of minutes of a February 4, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011244.

p. **Exhibit 5.16** is a true and correct copy of minutes of a June 22, 2012 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011465.

q. **Exhibit 5.17** is a true and correct copy of minutes of a July 16, 2012 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011470.

r. **Exhibit 5.18** is a true and correct copy of minutes of a May 23, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0007680.

s. **Exhibit 5.19** is a true and correct copy of minutes of a September 3, 2012 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0010577.

t. **Exhibit 5.20** is a true and correct copy of minutes of a November 12, 2012 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0010590.

u. **Exhibit 5.21** is a true and correct copy of minutes of an April 25, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011330.

v. **Exhibit 5.22** is a true and correct copy of minutes of a June 6, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011264.

w. **Exhibit 5.23** is a true and correct copy of minutes of a September 3, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011271.

x. **Exhibit 5.24** is a true and correct copy of minutes of a November 1, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011277.

y. **Exhibit 5.25** is a true and correct copy of minutes of a November 26, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA000011310.

z. **Exhibit 5.26** is a true and correct copy of minutes of a December 4, 2013 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011326.

aa. **Exhibit 5.27** is a true and correct copy of minutes of a March 17, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011408.

bb. **Exhibit 5.28** is a true and correct copy of minutes of an April 3, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011376.

cc. **Exhibit 5.29** is a true and correct copy of minutes of a June 20, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011357.

dd. **Exhibit 5.30** is a true and correct copy of minutes of an August 20, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011383.

ee. **Exhibit 5.31** is a true and correct copy of minutes of an August 28, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011373.

ff. **Exhibit 5.32** is a true and correct copy of minutes of an October 14, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011388.

gg. **Exhibit 5.33** is a true and correct copy of minutes of a November 4, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011417.

hh. **Exhibit 5.34** is a true and correct copy of minutes of a November 26, 2014 SDG Capital SA board meeting, produced by Triadou in this matter and bearing bates number TRIA0011335.

ii. **Exhibit 5.35** is a true and correct copy of excerpts of the September 13, 2018, deposition of Felix Sater, previously filed on the docket in this matter at ECF No. 1356-4.

jj. **Exhibit 5.36** is a true and correct copy of the March 31, 2016, affirmation of Nicolas Bourg, produced by Plaintiffs in this matter and bearing bates number Almaty-BTA0166296, and previously filed on the docket in this matter at ECF No. 1285-42.

kk. **Exhibit 5.37** is a true and correct copy of Triadou's corporate profile, produced by Plaintiffs in this matter and bearing bates number Almaty-BTA0190212, and previously filed on the docket in this matter at ECF No. 1284-5.

ll. **Exhibit 5.38** is a true and correct copy of the May 2, 2016, declaration of Nicolas Bourg, previously filed on the docket in this matter at ECF No. 1284-6.

mm. **Exhibit 5.39** is a true and correct copy of excerpts of the September 11, 2017, deposition of Nicolas Bourg, previously filed on the docket in this matter at ECF No. 1356-38.

nn. **Exhibit 5.40** is a true and correct copy of excerpts of the March 9, 2017, deposition of Cesare Cerrito, previously filed on the docket in this matter at ECF No. 1356-56.

oo. **Exhibit 5.41** is true and correct excerpts of the February 2, 2018, deposition of Ilyas Khrapunov.

pp. **Exhibit 5.42** is a true and correct copy of an email from Cesare Cerrito to Jean-Francois Garneau, produced by Triadou in this matter and bates stamped TRIA0002289, and previously filed on the docket in this matter at ECF No. 1357-2.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 8, 2022

/s/ Matthew L. Schwartz
Matthew L. Schwartz